

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
RONALD A. DARBY, individually and  
derivatively on behalf of R.S.V.P  
RECORDS, INC.,

Docket No.: 07-CV-  
10645

Plaintiff,

ANSWER

-against-

EDWARD GITKIND, ESTATE OF BETTY  
SPREBER, SID TUREFF, MARK A.  
BOGART, MARY NANCOZ,

DEFENDANT ESTATE  
OF BETTY SPREBER  
DEMANDS A TRIAL BY  
JURY

Defendants.

-----X  
  
Defendant MILES SPERBER ON BEHALF OF ESTATE OF BETTY  
SPERBER as and for his answer to the Complaint sets forth the  
following, upon information and belief:

1. Denies knowledge or information sufficient to form a  
belief as to each and every one of the allegations contained in  
Paragraph 1, 3, 5, 6, 7, 10, 11, 19, 20, 21, 22, 28, 29, 30, 31,  
32, 37, 38, and 39 of the Complaint.

2. Admits the allegations contained in Paragraphs 2  
and 9 of the Complaint.

3. Admits the allegations contained in Paragraph 4 of  
the Complaint except alleges that defendant Estate of Betty  
Sperber is a shareholder of R.S.V.P. Records, Inc.

4. Admits upon information and belief the allegations  
contained in Paragraphs 8, 12, 13, 14, 15, 16, 17, 18, 23, 24, 25,  
26, 27, 33, 34, 35, 36, and 40 of the Complaint

5. As to Paragraph 41 of the Complaint, defendant repeats, reiterates and realleges each and every admission and denial to paragraphs 1 through 40 of plaintiff's Complaint as if set forth at length herein.

6. Refers all questions of law to the Court as to Paragraphs 42, 43, and 44.

WHEREFORE, defendant seeks the following relief:

a. That each defendant and plaintiff to this matter appear before this Court and present proof of his or her ownership interest in R.S.V.P. Records, Inc. and/or any of the items identified in the Complaint and failing that that an Order be entered forever barring the parties from making any claim to any item that is the subject of this suit.

b. A declaration from this Court as to what person and/or entity owns each item identified in the complaint as well as a determination as to what percentage of ownership the plaintiff and/or each of the defendants has in R.S.V.P. Records, Inc.


c. Such other relief as the Court finds reasonable and just.

Dated: New York, New York  
April 18, 2008

Yours, etc.,

BAUMAN, KUNKIS & OCASIO-DOUGLAS, P.C.

By:

  
CHRISTOPHER DEAN, ESQ. (CD 9151)  
Attorneys for Defendant  
EDWARD GITKIND  
Office & P.O. Address  
14 Penn Plaza, Suite 2208  
New York, New York 10122  
(212) 564-3555

TO:  
Ramsey Berman, P.C.  
Attorneys for Plaintiff  
RONALD A. DARBY  
222 Ridgedale Avenue  
P. O. Box 2249  
Morristown, NJ 07962-2249

STATE OF NEW YORK )  
: SS.:  
COUNTY OF NEW YORK )

CHRISTOPHER DEAN, being duly sworn, deposes and says:

That deponent is an attorney and associated with the firm of BAUMAN, KUNKIS & OCASIO-DOUGLAS, P.C., attorneys for plaintiff; that he has read the foregoing ANSWER and knows the contents thereof; that the same is true to his own knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true; that the reason that this verification is made by your deponent instead of plaintiff is because plaintiff is not within the County of New York where your deponent's office is located.

Deponent further says that the grounds of his belief as to all matters in the said ANSWER are based upon deponent's general investigation of the facts herein.

  
CHRISTOPHER DEAN

Sworn to before me this  
18<sup>th</sup> day of April, 2008

  
Notary Public

JULIA KRASOVSKY  
Notary Public, State of New York  
No. 01KR5049536  
Qualified in Kings County  
Commission Expires September 18, 2009

AFFIDAVIT OF SERVICE

STATE OF NEW YORK, COUNTY OF NEW YORK ss.:

CATHY SCHAFFER, being duly sworn, deposes and says:


I am over 18 years of age, I am not a party to the action, and I reside in Nassau in the State of New York.

I served a true copy of the annexed Answer on April 18, 2008 by mailing the same in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee as indicated below:

Ramsey Berman, P.C.  
222 Ridgedale Avenue  
P. O. Box 2249  
Morristown, NJ 07962-2249

  
CATHY SCHAFFER

Sworn to before me April 18, 2008

  
Notary Public

**ROGER M. KUNKIS**  
Notary Public, State of New York  
No. 4954366  
Qualified in New York County  
Commission Expires August 7, 2009